

REMARKS

Claims 21-30, 32, 33, 35-38, 41, and 42 are pending in the application. Claims 28, 30 and 37 were rejected under 35 USC 112. Claims 21-23 were rejected under 35 USC 102(e) as being anticipated by US patent 6,499,001 (Meyer). Claims 24-26, 28-30, 32, 33, 35, 37, 38, 41, and 42 were rejected under 35 USC 103(a) as being unpatentable over Meyer in view of US patent 6,920,502 (Araujo). Claims 27 and 36 are rejected under 35 USC 103(a) as being unpatentable over Meyer in view of Araujo, and further in view of US patent application publication 2004/0010560 (Sandage).

Claim 21 is amended per Applicants' FIG 2, and par. 6, last 3 lines (pg 3), par. 7, lines 9-11, and page 8, lines 1-8. Claims 22, 25, and 27 are amended for consistency with claim 21. Claims 28, 30, and 37 are amended to resolve the 35 USC 112 rejections. No new matter is added. Claims 21-30, 32, 33, 35-38, 41, and 42 are presented for examination. Applicants' paragraph numbers mentioned herein are relative to the substitute specification.

Response to rejections under 35 USC 112:

Claims 28, 30, and 37 are amended as needed to resolve the 35 USC 112 rejections.

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Response to rejections under 35 USC 102:

The following is a summary of the Examiner's application of the prior art onto claim 21, as best understood by the Applicants.

APPLICANTS' ELEMENT	MEYER'S ELEMENT
1 system	10 system
2 server	14 instruction processing server
3 engineering application	36, 38, 40 Engineering Run Request modules
4 client	12 request entry device
5 automation devices	16 process station device
6 first mechanism on server receives data from 5	interface card in server 14
7 second mechanism on client links 3 to 5	28 of element 12
8 communication channel	22 communication network
9 data transmission device or system	44 Internet or company multi-site intranet
12 interface in 6 for communicating with 8	? assumed - none shown or described
13 interface in 6 for communicating with 3	? assumed - none shown or described

Meyers uses a different topography from that of Applicants, and is missing some elements recited in claim 21. Distinctions include the following:

1) Meyer's "process station device 16" provides instructions to material processing personnel, and receives input from such personnel (abstract, lines 11-17 and 26 - 34, and col. 2, lines 60 - 64). Thus, it corresponds to a client terminal, rather than to Applicants' automation devices 5. In Meyers, no corresponding automation devices are shown or described. A "processing station" is mentioned for material processing, but no automation devices are shown connected to a client terminal to provide control and process data. Thus, there is no on-line process interfacing with automation devices as in Applicants' system.

2) Meyer's interface card (col. 4, lines 8-14) does not correspond to Applicants' claimed first mechanisms 6 on server 2, because an interface card is hardware, not software that establishes a virtual process interface between a second client and the automation devices, wherein the virtual process interface provides online access from the second client to the automation devices via the communication channel by means of tunneling of data packets. In Meyer, each online communication by a client 12, 16, 20 is by a client-server session (col. 5, lines 41-53).

MPEP §2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. The elements must be arranged as required by the claim. Since Meyer does not teach every aspect of the claimed invention it does not support the 35 USC 102 rejections.

Response to rejections under 35 USC 103:

Regarding claim 30 it is unclear what element of Meyer is being cited as corresponding to Applicants' "first client". Based on the lines of Meyer cited at top of page 8 of office action (col. 5, lines 21-25, col. 7, lines 16-20), it appears that it could be any computer or terminal 16, 18, or 20 on network 22 (note col. 5, lines 17-20) or alternately, it could be an information retrieval device 20 on network 44 (per col. 9, lines 4-15).

1) Regarding claim 30, Meyer's interface card (col. 4, lines 8-14) does not create virtual communications channels for feeding data of further automation devices into the server over the communication channel via at least one further client and enabling the accessing of automation devices connected to the first client and the further client from any client within the system by routing in the server making a virtual peer-2-peer communication for direct communication between the participating clients to access and configure one client system from another client system. In Meyers, each communication by a client is by a client-server session (col. 5, lines 41-53).

- 2) Examiner cites Meyer col. 5, lines 21-26 as teaching automation devices. However, these cited lines only mention a client terminal 12 and display of manual instruction steps for an operator - not feeding data of automation devices into a server.
- 3) Meyer is configured as a client-server topography. Changing this to a peer-to-peer system would completely change Meyer's topography, and would be a disadvantage. In Meyer a database server 18 stores and provides manual processing instructions. These instructions can be centrally locked during modification by a client, including during an engineering experimental material processing run. Such access control would be less practical if the instruction data were distributed among peer clients. This could allow modified instruction data to be presented out of order, become corrupted with multiple versions, and revert to an obsolete version. Furthermore, no on-line access to automation devices is present in Meyer as argued under 35 USC 102 above, so there is no way for a second client to access automation devices of a first client anyway.

MPEP 2143.01(V) provides that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984) For the above reasons, combining Araujo with Meyers is not motivated, and does not produce Applicants' invention as claimed, and therefore does not provide a *prima facie* case for obviousness under 35 USC 103.

Conclusion

For anticipation under 35 U.S.C. 102, a reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (MPEP 706.02(a) IV). The identical invention must be shown in as complete detail as recited in the claim, and the elements must be arranged as required by the claim (MPEP §2131). These criteria are not met by Meyer, as argued above. Accordingly, Applicants request reconsideration and withdrawal of the 35 USC 102 rejections.

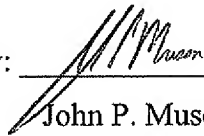
For obviousness to occur under 35 USC 103, any modification needed must be suggested by the references, in view of knowledge in the field at the time of the invention. The combination must be motivated by obvious or expected benefits to be derived from the modification, not by hindsight from the Applicants' invention, it must work, and it must produce the Applicants' invention. These criteria are not met as argued above. The dependent claims should be allowable as depending from an allowable claim. Therefore the application is in condition for allowance, which is respectfully requested.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 3/26/08

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